



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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218-219 MHz Service (formerly known as IVDS) Refund Procedures

This Public Notice summarizes the procedures and identifies the points of contact for the processing of refunds authorized by the *218-219 MHz Order*¹ released by the Federal Communications Commission ("FCC or Commission") on September 10, 1999. For detailed information, refer to additional Public Notices and other Commission decisions for the 218-219 MHz Service, which are at <http://www.fcc.gov/wtb/auctions/218rest/218rest.html>.

Refunds will be processed via Automated Clearing House (ACH) credits. In order for the Commission to issue refunds, each entity due a refund must submit a written request (see sample attached to this Public Notice) along with information required to process the ACH transaction through the banking system. The Commission will endeavor to issue refunds to all approved entities within 90 days of receipt of written request. Please note that refunds related to the remedial bidding credit will be issued to the payor of record of the up-front, first, and second down payments consistent with Auction procedures on the refunds of up-front payments. Refunds of installment payments will be to the current licensee of record as of the election date.

I. How do entities request refunds?

All refunds must be requested in writing to the Office of the Managing Director, Tom Putnam. Requests may be mailed or delivered to: Federal Communications Commission, Office of the Managing Director, Attn: 219-219 MHz Refunds (Mr. Putnam), Suite 1-A840, 445 12th Street, SW, Washington, DC 20554 or via fax to (202) 418-2843, Attn: Tom Putnam. The attachment to this Public Notice contains sample refund requests and the SF 3881, ACH VENDOR/MISCELLANEOUS PAYMENT ENROLLMENT FORM. You may obtain additional copies of the SF 3881 at <http://www.fms.treas.gov/pdf/3881.pdf> or at the GSA web site at <http://fillform.gsa.gov/>.

II. Installment Payment Refunds

Both eligible and ineligible licensees qualify for a refund of their installment payments as outlined below:

A. Eligible Licensees of Record as of the Election Date:

The approval of a refund request depends upon the election made for each license.

1. Amnesty

¹ See In the Matter of Amendment of Part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, *Report and Order and Memorandum Opinion and Order*, FCC 99-239, WT Docket No. 98-169, RM-8951, (rel. Sept. 10, 1999) at 3, ¶2. (*218-219 MHz Order*).

The Commission will refund installment payments in their entirety to Eligible Licensees in this category who have previously made installment payments. For an Eligible Licensee that elected Amnesty for all of its licenses, the Commission will retain the down payment (less any remedial bidding credit refund) and forgive the original principal balance and all interest payments due thereon.

2. Amnesty and Reamortization/Resumption

No installment payment refunds will be made to Licensees in this category; however, a credit may be applied. For an Eligible Licensee that held more than one license and elected Amnesty for one or more of its licenses, and Reamortization/Resumption for its other license(s), all installment payments made on the Amnesty license(s) will be credited towards the outstanding balance due on the license(s) for which Reamortization/Resumption was elected. The installment payment credits will be applied against the accrued and unpaid interest on the retained license(s), with any excess funds being applied to the principal balance on each retained license. The installment payment credits will be prorated based on the net high bids of the retained licenses.

3. Prepayment (Prepayment-Retain/Prepayment-Return)

Eligible Licensees electing Prepayment were permitted to retain or return as many licenses as they wished. The Commission will forgive all of the interest due on the retained licenses from grant date until the Election Date; however, Eligible Licensees must pay off the original principal balance of the license(s) they retained. Eligible Licensees will be given a prepayment credit equal to 85% of the down payment and 100% of the installment payment(s) made on the license(s) they returned to the Commission. If the original principal balance of the license(s) the Eligible Licensee retained is greater than the prepayment credit, the additional amount due is called "new money," and must be remitted to the Commission on or before April 30, 2001. If the prepayment credit is greater than the original principal balances, the excess prepayment credits will be refunded to the licensee to the extent that the funds were generated from installment payments. No excess prepayment credits generated from down payments will be refunded.

B. Ineligible Entities:

Ineligible Entities will have all previously paid installment payments refunded.

III. Remedial Bidding Credits

Where an Eligible Licensee or Ineligible Entity paid its first and second down payment and met the small business qualifications at the time of the July 1994 auction, but did not receive a woman- or minority-owned small business bidding credit at the time of auction, the Commission will process a refund based on the 25% remedial bidding credit. Because entities that registered as a woman- or minority-owned small business received a bidding credit at the time of auction, no refund is generated by the small business bidding credit. Where licensees paid for their licenses in full and met the qualifications for a small business at the time of auction, and did not receive the credit as a women- or minority- owned business, the Commission will process a refund based on the remedial bidding credit.

The refund of excess down payment due to the remedial bidding credit is separate and distinct from the 218-219 MHz restructuring plan. Eligible Licensees should not anticipate utilizing the remedial bidding credit refund to meet any payment obligations to the Commission that may exist after the recalculation of balances or installment payments due on retained licenses. The payment deadline obligations of the

licensee may not correspond with the refund of the remedial bidding credit, and the Commission will not credit, or offset, the amount owed after the recalculation based upon the anticipated refund. In addition, the Commission is not responsible for remitting any remedial bidding credit refund before the licensee's payment deadline.

IV. Whom do I contact for a status of my refund?

Tom Putnam at (202) 418-8242 or Gail Glasser at (202) 418-1995 in the Office of the Managing Director.

V. When should I expect to receive my refund?

The Commission will endeavor to issue refunds to all parties within approximately 60 from the receipt of the completed written request.

ADDITIONAL INFORMATION

Web site

Documents related to the earlier rule making proceeding and its implementation are located at the Federal Communications Commission web site:

<http://www.fcc.gov/wtb/auctions/218rest/218rest.html>

FCC Reference Center

Documents related to this issue may also be examined and copied during normal business hours in the FCC Reference Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Call (202) 418-0270 for further information concerning the business hours.

ITS

In addition, documents may be purchased from the Commission's copy contractor, ITS, Inc., 1231 20th Street, NW, Washington, DC 20036. The telephone number for ITS is: (202) 857-3800.

For additional questions or further information concerning the 218-219 MHz restructuring, contact Rita Cookmeyer of the Auctions and Industry Analysis Division at (202) 418-0660 or Jamison Prime of the Public Safety and Private Wireless Division at (202) 418-0680.

Date

Enclosed please find a completed ACH Vendor/Miscellaneous Payment Enrollment Form for the 218-219 MHz service for the following license(s).

License Number(s): _____

Winning Bidder Name: _____

Current License Holder Name: _____

If you have any questions, please contact:

Name: _____

Phone: _____

E-mail: _____

Address:

Please remit the funds to the payee on the enclosed form.

Sincerely,

Payor or Authorized Representative for Payor

**SAMPLE COVER LETTER
REMEDIAL BIDDING CREDIT REQUEST FOR REFUND**

Date

Federal Communications Commission
Office of the Managing Director
Revenue & Receivables Operations Group
445 12th Street, S.W.
Suite 1-A840
Washington, D.C. 20554

Mr. Putnam,

Enclosed please find a completed ACH Vendor/Miscellaneous Payment Enrollment Form for the 218-219 MHz service for the following license(s).

License Number(s): _____ _____

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Winning Bidder Name: _____

Current License Holder Name: _____

If you have any questions, please contact:

Name: _____

Phone: _____

E-mail: _____

Address: _____

Please remit the funds to the payee on the enclosed form.

Sincerely,

Payor or Authorized Representative for Payor